

Application No.: 09/923,578

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Docket No.: 509982001400

REMARKS/ARGUMENTS

In a Final Office Action mailed on January 2, 2004, claims 1-3, 5-10, 14-17, 28-31, 34-43, 48-51, and 70 were allowed. Claims 22-25 and 58-65 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication 2002/0113966 (the Shchegrov reference).

Applicants thank the Examiner for the allowance of claims 1-3, 5-10, 14-17, 28-31, 34-43, 48-51, and 70. Applicants respectfully request reconsideration of rejected claims 22-25 and 58-65 in view of the comments below.

Independent claims 22, 58, and 59 recite, in part, "if the trial signal does not satisfy the threshold, generating a new trial signal using the set of trial parameters values and storing the new trial signal in the profile library." (Emphasis added.) Thus, claims 22, 58, and 59 recite that the new trial signal is generated and stored in the profile library.

In contrast, as set forth in Applicants' earlier Amendment filed on November 24, 2003, the Shchegrov reference does not disclose or suggest storing the Final result 260 or any of the intermediate results between the Initial guess 252 and the Final result 260 generated during the optimization process in the coarse library (see Figure 6B). Indeed, because the Shchegrov reference discloses that the coarse library is pre-computed off-line (see paragraph 60), it teaches away from storing the Final result 260 or any of the intermediate results in the coarse library.

In the Final Office Action, the Examiner cites to paragraph 51 and Fig. 5A of the Shchegrov reference. Note that block 102 precedes the feedback path from block 126 to block 106. As disclosed in paragraph 46, off-line pre-processing tool 102 provides the gallery of profile types, which is stored in a database. Thus, while the Shchegrov reference may disclose adjusting parameters in the feedback path from block 126 to 106, it does not disclose "storing the new trial signal in the profile library."

Thus, Applicants assert that claims 22, 58, and 59 are allowable over the Shchegrov reference. Additionally, Applicants assert that claims 23-25 and 60-65, which variously depend from claims 22, 58, and 59, are allowable for at least the reason that they depend from allowable independent claims.

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Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 509982001400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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